

1 at the public radio conference in Washington in 1996
2 was as part of the Next Generation Project, not
3 because my station sent me.

4 So if it hadn't been for the project, I
5 wouldn't have been there in Washington to meet Enrique
6 and then wind up here.

7 Q See what it did for you.

8 A An interesting chain of events.

9 (The document referred to was
10 marked for identification as
11 Ramirez Exhibit No. 16.)

12 BY MS. REPP:

13 Q I just wanted to show you a document that
14 was produced by San Francisco Unified School District.
15 It has a number on it, SFUSD-00201, and it runs
16 through -00206, entitled KALW-FM Radio Financial
17 Statements for the Year Ended June 30, 1997. Could
18 you take a look at this document and tell me if you're
19 familiar with it, Jeff?

20 A Yeah, I'm familiar with this. I haven't
21 seen this ever since -- it says the date on it. I
22 remember working with the accountants to provide
23 information for an audit for the financial report.

24 Q So this audit by the independent auditor,
25 Bunker & Company, was prepared while you were general

1 manager at KALW?

2 A This particular one? I believe so.

3 Q If you look at page 3 of the report, which
4 is SFUSD-00204 on the bottom, and this is a statement
5 of support and revenue and expenditures and changes in
6 fund balances. If you look at the total support and
7 revenue and total expenditure lines, do those figures
8 look accurate to you in terms of what the budget would
9 have been for KALW?

10 A Yeah. The way I organized the station is as
11 a \$1 million operation, rounding to the million.

12 Q When you say a million dollar station, what
13 do you mean by that?

14 A Today at CPB, we talk of stations in terms
15 of, well, it's a half million dollar station, it's a
16 one million dollar station, or it's a five million
17 dollar station, or it's a ten million dollar station.
18 Minnesota Public Radio is a forty million dollar
19 station.

20 Q Do they get their own category?

21 A Pretty much, yeah.

22 Q So in your categorization, KALW is
23 approximately a one million dollar station.

24 A Correct.

25 //

1 (The document referred to was
2 marked for identification as
3 Ramirez Exhibit No. 17.)

4 BY MS. REPP:

5 Q I could show you this document. This
6 document was produced by SFUSD. It bears the number
7 SFUSD-00280 to -00284. It's a memo that's entitled,
8 January 30, 1998, to Enrique Palacios from Jeff
9 Ramirez. Sub: activity report. It says Activity
10 report August 6, 1996, to January 30, 1998. Jeff, are
11 you familiar with this document?

12 A Yes, I made this.

13 Q You are the author of the document?

14 A Correct.

15 Q And you would have written it and delivered
16 it on or about January 30, 1998?

17 A Correct. This is what I attached to the
18 letter that -- or the exit memo that I provided to
19 Enrique Palacios when I left the station.

20 Q I believe you mentioned before January 30,
21 1998, was your recollection of your last day at the
22 station?

23 A Correct.

24 Q Was this a report that you had prepared
25 previously, or did you do it because you were leaving

1 the station?

2 A I created it because I was leaving the
3 station. I wanted to let Enrique know what we had
4 been working on for the last -- while I was at the
5 station, or what our accomplishments were.

6 Q I notice it has subjects such as station
7 move, audience increase, focus programming. Could you
8 read the paragraph on focus programming?

9 A Out loud or to myself?

10 Q Just to yourself. I think you touched on
11 this earlier today, that part of what you considered
12 to be your role as general manager was to help focus
13 programming, reschedule programming at the station to
14 best serve its listeners. Is this a fair summary of
15 the efforts you undertook?

16 A Yes. This is a fair summary of the efforts
17 I undertook when I took my GM hat off and put on my
18 program director hat. There are other sections in
19 here that were accomplishments when I took off those
20 other two hats and put on the development director
21 hat.

22 Q Can you give me an example of your
23 development director accomplishments?

24 A The next section, the audio fundraising.

25 Q The next section, Underwriting, as a

1 development?

2 A Underwriting, additional revenue, second
3 from the bottom.

4 Q What other hats did you have on that are
5 reflected here in the activity report?

6 A Those were the -- you know at most stations,
7 there are the three senior -- well, the general
8 manager, and then the program director, and the
9 development director is pretty much the design at most
10 radio stations. Not having the capacity at KALW
11 through the civil service system to hire those
12 positions to fulfill the capacity or those
13 responsibilities, the general manager was responsible
14 for all of the -- for all scopes of activity under
15 those positions.

16 Everything here covers one or -- either the
17 role and responsibility of the general manager or the
18 development director or the program director. There's
19 audience research. The larger stations have a
20 research director. Staff development on page 3,
21 organizations -- other stations have a training
22 director. There are quite a few stations where
23 there's a chief financial officer. That person, in
24 fact, is the person who is the primary contact with
25 the CPB in the last section about the grant

1 eligibility.

2 At a lot of other stations, there's a CFO
3 who has that responsibility. So I had my hands full.

4 Q Yes, you had your hands quite full and
5 juggled all these different responsibilities. On page
6 SFUSD-00283, there's a chart, KALW's Fundraisers,
7 Dollar Totals. Did you prepare this chart?

8 A No, I didn't prepare this chart. This chart
9 was prepared by the consultant who I had brought in to
10 help with the audio fundraisers. His name is Michael
11 Wallace.

12 Q During your tenure at the station, would you
13 say that fundraising totals increased?

14 A Yes, from fall 1996, which is when I arrived
15 at the station, to spring 1997, our on air fundraising
16 increased.

17 Q And the next page, 00284, KALW Fundraisers,
18 Average Pledge, this appears to also show an increase
19 in the average pledge?

20 A Yeah. The way that -- in the industry we
21 look at an increase in the average pledge. It means
22 that your listeners -- because per person, they're
23 making a larger contribution to the station, it
24 usually means that they are valuing the station's
25 service greater than they had previous. So the

1 difference here is that from prior to when I got to
2 the station to by the time I left, on average,
3 listeners were giving about \$10 more per contribution.

4 (The document referred to was
5 marked for identification as
6 Ramirez Exhibit No. 18.)

7 BY MS. REPP:

8 Q I'll show you another document. This is a
9 document that's from the CD that was produced by SFUSD
10 from the public inspection file. It is Document No.
11 KALW-000046261. The beginning of the document is
12 titled Alan Farley Interviews, Spring 1992. This
13 document runs to page 15 with a statistics page at the
14 back.

15 MS. LEAVITT: I don't think our document has
16 those numbers on it.

17 MS. REPP: No, there are no numbers on it.
18 I printed it off of the CD.

19 BY MS. REPP:

20 Q Are you familiar with this document?

21 A No. This is the first time I've seen this.

22 Q So you would not know if this document was
23 in the public inspection file when the application was
24 prepared in late July 1997?

25 A Correct.

1 Q Could it have been in the public inspection
2 file?

3 A It could have been. Alan Farley is senior
4 announcer at the station, very conscientious, is a
5 good announcer, so it would come as no surprise to me
6 if Alan had placed this in the public file. In answer
7 to your question, if it was there, I wouldn't be
8 surprised if it was, if it had been there.

9 (The document referred to was
10 marked for identification as
11 Ramirez Exhibit No. 19.)

12 BY MS. REPP:

13 Q Another document, also from the CD, and it
14 has the numbers KALW-000095 to -000096, entitled Your
15 Legal Rights, Topics and Guests. There's page 1 and
16 2. It begins with a date column of 1/6/93. Then
17 there's a column for topic and a column for guests.
18 Are you familiar with this document, Jeff?

19 A No. This is the first time I'm seeing this
20 as well.

21 Q Might this document have been in the public
22 inspection file prior to July 30, 1997?

23 A It could have been. It looks to be, based
24 on my knowledge of the required format for the issues
25 list, to be in that format. Chuck Finney, the

1 producer/host of Your Legal Rights, again very
2 conscientious. I wouldn't be surprised if this was
3 placed in the public file.

4 Q But you have no direct recollection that it
5 was in the public file when you reviewed it in 1997?

6 A Correct. I don't remember seeing this in
7 there.

8 (The document referred to was
9 marked for identification as
10 Ramirez Exhibit No. 20.)

11 BY MS. REPP:

12 Q Another document to show you, also from the
13 CD, Document No. 000248 through 000240. It's from
14 page 2 to 4. The first page that's labeled 2, it says
15 2/24/93 employment log. Actually, I'd like you to
16 look at the last document that we were looking at,
17 Jeff, the document 000095 to 000096. Could you look
18 at the page 2 in each of these documents. They both
19 begin 2/24/93, employment log and with 4/14/93. Would
20 you say that's the same page in both documents?

21 A They look like copies of each other.

22 Q But then the document at 000248 to 000250
23 has additional pages attached to it. Is that correct?

24 MR. SHOOK: I think he may be just a little
25 bit confused, because the numbering doesn't appear at

1 the bottom of the page.

2 MS. REPP: Yes, sorry about that.

3 THE WITNESS: The second document that you
4 handed me, yeah, has extra pages attached to it.

5 BY MS. REPP:

6 Q Since you don't remember whether this
7 document was generated prior to 1997, you don't know
8 whether this was one document at one time that was
9 separated out and placed in the public inspection
10 file?

11 A Yeah, I wouldn't know.

12 (The document referred to was
13 marked for identification as
14 Ramirez Exhibit No. 21.)

15 BY MS. REPP:

16 Q This, too, is a document from the CD. It's
17 KALW-000300, entitled Quarterly Issues Report for AIDS
18 Update. Jeff, are you familiar with this document?

19 A No, this is the first time I'm seeing this.
20 Alan Farley produced a regular report called AIDS
21 Update, and I can see that his initial is in the or
22 someone with the initial AF is in the right hand
23 column.

24 Q Might this document or similar documents
25 have been in a public inspection file for each quarter

1 when you reviewed the file prior to submitting the
2 renewal application in July 1997?

3 A This particular document could have, because
4 Alan Farley is very good to work with. I remember
5 that at least I asked John Covell, the producer of
6 City Visions to enter the program list to make the
7 file complete. I could have asked Alan Farley to do
8 the same thing. I just don't remember if I asked Alan
9 Farley to do the same thing.

10 Q So you do not know if this document was
11 created contemporaneously in 1993 or if it was done
12 later, perhaps in 1997?

13 A Correct.

14 Q Jeff, you had mentioned earlier that you
15 created ownership reports for the years 1993 and 1997
16 in December 1997, when they were executed.

17 A Correct.

18 Q Do you know if there had been reports that
19 had been prepared in 1993 and 1995, respectively?

20 A No, I don't.

21 Q You were not the general manager of the
22 station at the time?

23 A Correct.

24 Q And you did not at that time contact the
25 prior general manager to determine if such reports had

1 been prepared?

2 A Correct. I didn't contact a previous
3 general manager.

4 Q Your declaration, the declaration that you
5 had reviewed which was executed on January 17, 1998,
6 paragraph 12, do you want to pull it out from your
7 file?

8 A Okay. Which page?

9 Q Page 4, paragraph 12. Pretty far down in
10 the paragraph you say, "I also believed that I had
11 fully accounted for all public issues programs during
12 my tenure as general manager in the document which
13 Petitioner has labeled Exhibit O, which is what I
14 believed was called for by the question." I believe
15 you have Exhibit O in your file also. This is Exhibit
16 O to the petition to deny.

17 A Yeah, I have that.

18 Q Might there have been more in the public
19 inspection file than Exhibit O?

20 A Yes. In fact, I think there might have been
21 more to Exhibit O, because at the bottom it starts off
22 at page 5 and it goes through page 7. I don't know.
23 I can't explain where pages 1 through 4 are.

24 Q So this statement in your declaration might
25 be perhaps more now than you would have preferred?

1 A I believe so. I think when -- the context
2 for the declaration was as a response to the petition.
3 So if I'm remembering correctly, Exhibit O was a part
4 of their petition that they chose to include.

5 Q But speaking now seven years later, you're
6 not quite sure what was in the public inspection file
7 in terms of issues program lists?

8 A Yeah. All I have to refer to is Exhibit O
9 here, which appears to be a partial of a larger
10 document, because it appears to start on page 5.

11 MS. REPP: That's all. Do you have any
12 additional follow up?

13 MR. SHOOK: No. Thank you for the
14 clarification, because there were a couple of things.
15 It's helpful to add that material to the record. I'm
16 chagrined that I hadn't picked up on the pages 5
17 through whatever.

18 (Witness excused.)

19 (Discussion held off the record.)

20 MS. REPP: Jeff, you have the option to have
21 a draft of the transcript sent to you so you could
22 review it for typos, or you could just waive that and
23 it will be automatically deemed acceptable. Do you
24 know which option you'd prefer?

25 MR. RAMIREZ: Can I waive the option for

1 review but still get a copy of it?

2 MS. REPP: It would be a copy you could get
3 after it's finalized. Is that what you'd like?

4 MR. RAMIREZ: Yeah.

5 MS. REPP: Thank you.

6 (Whereupon, in the presence of counsel,
7 reading and signature were waived. At 4:43 p.m, the
8 deposition in the above-entitled matter was
9 concluded.)

10 I have read the foregoing pages 1 through
11 139, and they are a true and accurate record
12 of my testimony therein recorded, and any
13 changes and/or corrections appear on the
14 attached errata sheet signed by me.

15 _____
16 Jeffrey Ramirez

17
18 Subscribed and sworn to before me
19 this _____ day of _____, 2004.

20 _____

21 Notary Public

22 My Commission expires: _____

23

24

25

JURISDICTION: _____

Before me, the undersigned authority, personally appeared

Jeffrey Ramirez who, after being duly sworn states that he/she has read the foregoing deposition transcript, and states that he/she wishes to make the following changes or corrections to this transcript for the following reasons:

PAGE	LINE	CHANGE	REASON FOR CHANGE
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The witness states that the deposition transcript, pages 1 through 139, is otherwise true and accurate.

Jeffrey Ramirez

Subscribed and sworn to before me this _____ day of _____, A.D. 2004.

Notary Public

My Commission Expires: _____

CERTIFICATE OF COURT REPORTER/NOTARY PUBLIC

I, Theodore Fambro, the officer before whom the foregoing testimony was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me and thereafter reduced to typewriting; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto; nor am I financially or otherwise interested in the outcome of the action.

Theodore C. Fambro
Court Reporter/Notary Public

My Commission Expires: